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RB7/26/02

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GREENE/GUILFORD ENVIRONMENTAL
ASSOCIATION, a non-profit
Corporation incorporated under the
laws of the Commonwealth of
Pennsylvania, CITIZENS FOR PLANNED
COMMUNITY GROWTH, an unincorporated
association organized under the
laws of the Commonwealth of
Pennsylvania, PAUL B. AMBROSE,
JOHN G. ENDERS, CHARLES F.
RAHAUSER, BETSY RAHAUSER, DOUGLAS
A. WARNOCK, U.X. VAGNERINI, THOMAS
W. BUNDY, STEPHEN P. BUCHER,
ROGER J. ROBERTSON, JAMES A.
STRITE, JR., DAVID A. GUTHRIE,
Plaintiffs,

v.

KEN WYKLE, Administrator, Federal
Highway Administration, ROBERT
GATZ, Federal Highway
Administration,
Defendants,

and

BRADLEY L. MALLORY, Secretary for
the Department of Transportation,
Commonwealth of Pennsylvania,
Intervenor

FILED
HARRISBURG, PA

JUL 25 2002

MARY E. D'ANDREA, CLERK
Per PP
Deputy Clerk

CIVIL ACTION NO.
1:CV-01-0910

(Judge Rambo) ✓

FEDERAL DEFENDANTS' AND INTERVENOR'S
JOINT MOTION FOR ENLARGEMENT OF TIME

Defendants Ken Wykle and Robert Gatz and intervenor Bradley L. Mallory, by and through their undersigned counsel, hereby move this Court for an enlargement of time in which to respond to plaintiff's response in opposition to their joint motion for summary judgment and, in support thereof, state as follows:

1. This is a citizens' challenge to the decision of the Federal Highway Administration to construct a new interchange in the Chambersburg area.

2. On or about June 7, 2002, defendants and intervenor filed a joint motion for summary judgment together with statement of material facts and its supporting brief.

3. Plaintiffs requested 45 days to respond to this joint motion making plaintiffs' response due on July 25, 2002.

4. Furthermore, plaintiffs have requested a page extension making their response up to 40 pages.

5. Defendants and intervenor must file their reply brief on or before August 8, 2002.

6. Because counsel for intervenor has a scheduled vacation starting on August 3, 2002 and ending on August 11, 2002 and because of the length of plaintiffs' response, counsel respectfully request this Court to grant an


enlargement of time through August 19, 2002 to file its reply brief.


7. The requested enlargement of time should not effect the overall briefing schedule for this case since plaintiffs have just filed their motion for summary judgment and defendants have 45 days to respond to this motion.

WHEREFORE, defendants and intervenor respectfully request that this Court grant this motion for enlargement of time.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney


ANNE K. FIORENZA
Assistant United States Attorney
Federal Building - 2nd Floor
228 Walnut Street
P.O. Box 11754
Harrisburg, PA 17108-1754


KENDA JO M. GARDNER
Assistant Counsel
JOHN M. HRUBOVCAK
Assistant Counsel-in
Charge
ROBERT J. SHEA
Assistant Chief Counsel
ANDREW S. GORDON
Chief Counsel
Pennsylvania Department
of Transportation
Office of Chief Counsel
P.O. Box 8212
Harrisburg, PA 17105

Date: July 25, 2002

CERTIFICATE OF CONCURRENCE

I, Kenda Jo M. Gardner, hereby certify that on July 24, 2002 I spoke with Thomas A. Linzey, Esquire, counsel for plaintiffs. Mr. Linzey concurs in this motion.


KENDA JO M. GARDNER
Assistant Counsel

Date: July 25, 2002

CERTIFICATE OF SERVICE

I, Kenda Jo M. Gardner, hereby certify that on this 25 day of July, 2002, I served a copy of the foregoing documents by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and placed said envelope and contents in the United States Mail at Harrisburg, Pennsylvania:

Thomas Alan Linzey, Esquire
Community Environmental Legal Defense Fund
2859 Scotland Road
Chambersburg, PA 17201


KENDA JO M. GARDNER

Assistant Counsel
Office of Chief Counsel
Pennsylvania Department of
Transportation
Commonwealth of Pennsylvania
P.O. Box 8212
Harrisburg, PA 17105-8212
(717) 787-5299
Fax: (717) 772-2741